

**REMARKS**

Claims 1-8 are pending in this application. By this Amendment, claims 1, 3 and 4 are amended. In addition, the specification is amended to correct minor informalities found therein.

In paragraph 2, on page 2 of the Office Action, claims 3 and 4 were objected to because of an informality. Applicants have amended "duty" to "duty ratio" as such is also a commonly accepted term in the art.

In paragraph 1, on page 2 of the Office Action claim 1 was provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/369,111. The rejection is respectfully traversed.

Claim 1 of the copending Application is directed to a drive power supply apparatus that includes a switching control circuit, a drive voltage generating portion, a feedback circuit, a predetermined terminal that outputs a normal operation signal that indicates a drive power supply as operating normally, to a motor drive control apparatus for driving an electric motor; and an abnormality detecting portion as currently presented in that application. As such, the claim has a different scope and is directed to different features than the invention of this application.

Applicant's invention as claimed herein, includes an output voltage generation portion that includes an overvoltage detection circuit for detecting an overvoltage, a fail detection circuit that generates a voltage when the overvoltage detection circuit detects an overvoltage, the fail detection circuit including a photo-diode and a photo-transistor constituting a photo-coupler, and a switching control circuit that includes an output voltage suppression processing unit that suppresses an increase in the output voltage when the overvoltage is detected. Thus, the cited application is directed to maintaining a voltage by adjusting the voltage when an abnormality is detected whereas the instant invention is directed to addressing conditions that

occur when an overvoltage is detected to suppress that voltage and prevent damage to components. As such the scope of the two inventions differs and one is not obvious over the other.

Further, because this is a provisional rejection, such a rejection can only mature when one of the two applications is allowed. As such is not the case, should Applicant's arguments above not be considered by the Patent Office to overcome the rejection, then further response to the rejection will be held in abeyance until one of the two applications is allowed.

In paragraph 4, on page 3 of the Office Action, claims 1-8 were rejected under 35 U.S.C. §102(b) being anticipated by Takahashi, JP 07-095724. The rejection is respectfully traversed.

Applicant's claimed invention includes a fail detection circuit that generates a voltage when the overvoltage detection circuit detects an overvoltage, the fail detection circuit including a photo-diode and a photo-transistor constituting a photo-coupler. This structure provides that the primary side of the transformer and the secondary side of the transformer are insulated by the photo-diode and the photo-transistor (paragraph [0058] and paragraphs [0060] through [0064]).

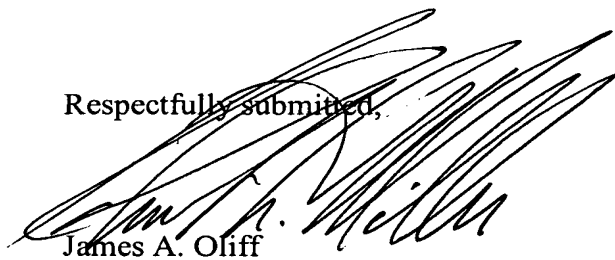
Takahashi, on the other hand, does not have a circuit such that the primary side of the transformer and the secondary side of the transformer are insulated. The output monitoring means 5-N and the abnormal power supply detection means 8-N, which are connected to the secondary side of the transformer, are connected to the PWM control circuit 4-N which is directly connected to the primary side of the transformer (Fig. 1 and Abstract). Thus, it is respectfully submitted that Takahashi does not literally disclose the claimed invention of claim 1 and the rejection is inappropriate. Further, Takahashi does not appear to recognize the problem of insulating components to preclude damage as discussed in Applicant's specification and thus Takahashi does not suggest the claimed invention.

Because Takahashi neither anticipates nor suggests the subject matter of claim 1, Takahashi cannot anticipate or suggest the subject matter of claims 2-8 for all the reasons discussed with respect to claim 1 and for the additional features recited therein.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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